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AFFIRMATIVE ACTION--A TOOL FOR  
LINKING REHABILITATION AND THE  
BUSINESS COMMUNITY.

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## ***Affirmative Action –***

### ***A tool for linking rehabilitation and the business community***

Sheila H. Akabas

Paige E. Cook, Jr.

In the last few decades considerable attention has been focused upon those who are deprived of, or face limited employment opportunities because of, racial, sex and/or age discrimination. Now, at last, the protection afforded others has been extended to the physically and mentally disabled. Section 503 of the Federal Rehabilitation Act of 1973 mandates an Affirmative Action policy for disabled people, which involves all companies with annual federal contracts greater than \$2,500. In addition, many states have incorporated disabled people among those groups against whom discrimination is illegal under the provision of their human rights legislation. While the passage of legislation to affirm the rights of people with disabilities to equal employment opportunity is a groundbreaking "first step," the question of how to turn this newly created climate of receptivity into positive action remains under discussion. This point was, in fact, a question faced by the Industrial Social Welfare Center after the passage of the legislation.

The Center located at the Columbia University School of Social Work is funded, in part, as a Regional Rehabilitation Research Institute by a grant from the Rehabilitation Services Administration.<sup>1</sup> Its mandate is to study the conditions under which trade unions and corporate management influence the maintenance at work, and the integration into the labor force of those people who are physically disabled and emotionally ill. A major thrust of the Institute has been to carry out research, training and demonstration efforts designed to promote linkage between industrial parties and the rehabilitation community.

Stationed at the portals of both the world of work and the world of social agencies, it is often possible to note the lack of fruitful interaction between these two worlds. This observation suggests the over-



whelming need for communication between these two systems. In the fall of 1974 as we talked with corporate staff charged with implementation of the Affirmative Action legislation, it was clear that they required more information, and that they now had a reason to communicate with the rehabilitation field. The new laws presented both the reason and the opportunity for interaction. Center staff made a determination to run a conference, "Moving Your Company Into Affirmative Action for the Disabled."

The New York Chamber of Commerce and Industry independently arrived at the same conclusion from contact with its membership. The Chamber, representing a membership of approximately 2,500 which includes many of the nation's major corporate enterprises, is spokesman for the larger business community. It has adopted a role of not only responding to membership need but also of bringing before its constituents issues it deems of importance.<sup>2</sup> It maintains communication with a diverse membership of large and small firms through newsletters, an extensive committee structure, short-term training, and specialized workshops. A representative of the Center and the Chamber, meeting to explore areas of mutual interest, quickly identified Affirmative Action as such an issue. The Chamber seemed an ideal partner with which to develop a conference on Affirmative Action; therefore an agreement was made to co-sponsor a meeting.

### Planning a Conference

In joint meetings, between the Chamber and the Center, a meeting format was evolved. It was assumed that American business would choose to comply with the legislative mandate. There was recognition that a body of experience existed; many corporations have been involved in employing the handi-

capped for a long time. At the very least, companies have learned through the years to find or make jobs for employees who have become incapacitated through work. It was deemed desirable for companies with pioneering employment efforts to share their experience. How did they establish programs? What worked, and what didn't work? In addition, information was necessary on procedure. Attention should focus on

1. How can a firm begin to move
2. What is the role of various departments
3. What are the specific legal requirements.

The Chamber was very anxious to develop a tone that would not be viewed as "preaching" by the business attendees, but rather would permit informal give and take. This concern is worthy of note. The Chamber's representatives were consistent in insisting that a program for employment of handicapped people could not be pegged to humanitarian instincts, an approach often utilized by rehabilitation specialists. The rationale rather was that Affirmative Action is the law of the land, and every firm seeks to create an image of itself as a paragon of compliance.

Planners agreed that the Conference should support the past efforts of business while honestly admitting that more could and would have to be done. Specific information would be conveyed in a morning devoted to review of legislation and regulations by public representatives, and to sharing of past experience by Chamber members. The afternoon would provide "how-to" workshops for those responsible for personnel, recruitment, medical policy, training, insurance and benefits, and for writing an Affirmative Action plan. Within the framework of a practical approach to dealing

with the problems that business might face in implementation, each workshop would bring together representatives from government, business and the rehabilitation community. The goals of the workshops were to inform companies of their responsibilities under the laws and afford an opportunity for business and the rehabilitation profession to come together to resolve the dilemmas they faced in what was, for many, a totally new area of Affirmative Action. Each sector would learn how it could be more helpful to the other. Rehabilitation specialists might give on-the-spot guidance to company personnel who raised fears of dealing with the handicapped in certain work situations.

The Chamber assumed primary responsibility for publicity by sending a mailing to all member firms. They also recruited business representatives as speakers. Other speakers and resource personnel from rehabilitation agencies were recruited by the Center. A price structure which provided declining charges for each successive representative of a given firm was utilized to encourage companies to send a team incorporating representatives of various functional departments. The Conference was a "sell-out." An overflow crowd of almost 200 in attendance represented 97 firms and 11 rehabilitation facilities. The predominant mood of the day was notetaking, questioning, discussing. After the conference a follow-up survey was conducted among participants which, together with the day's proceedings, provided illumination of the status and future road for Affirmative Action for the Disabled in the business world.

### An Overview of the Situation

Out of these efforts grew our firm conviction that Affirmative Action for the Disabled is a powerful job promotion device which opens, to the rehabilitation community,



many previously closed doors. It became clear that existing Affirmative Action programs for women and minorities had laid the groundwork for the disabled. The experience of noncompliance in other areas had been sufficiently painful and expensive for management to be ready, at least tentatively, to consider an employment policy for handicapped people. Further, mechanisms are in place to apply to this new issue. There is a group of employees in many major corporations (usually identified as equal employment officers) who have career commitments to working on Affirmative Action and who welcome expansion to new populations as an opportunity to increase their organizational turf. But the wish cannot be taken for the act here, for it *also became clear that an abysmal lack of information existed in the corporate world which immobilized many businesses from developing a plan to hire the disabled.* Further, any movement in relation to the disabled would involve departments and policies hitherto outside Affirmative Action procedures, e.g. medical units and insurance benefit administrators. Finally, *new roles for rehabilitation agencies and practitioners were suggested by the needs identified by business.*

#### **Affirmative Action As A Job Promotion Device**

It has long been the contention of the rehabilitation field that there should not be "disabled jobs" but rather just people and occupations. Any job, for example, requiring a great degree of verbal communication is probably not desirable for a deaf person, but neither should all deaf workers be made key punch operators. This basic principle is now an established requirement of law. All jobs are open to disabled people because *denial of employment, under law, must be based on a demonstrable inability to perform a job.*

The regulations<sup>3</sup> utilize government contracts to encourage business to develop nondiscriminatory policies. This process has a greater impact on the large firm than the small one, the multisite corporation than the single location company. Thus, a large number of jobs come into the nondiscrimination system. The postconference survey, for example, found that the 200 attendees represented firms employing over a million workers in approximately a thousand worksites.

With numbers come diversity. The law establishes the employer's obligation to hire "qualified" applicants. But the more jobs and the greater diversity, the more likely any particular applicant will fit into some "slot." As one conference participant noted, "If you have a big enough population or extensive enough unit in which work can be redistributed, you can accommodate a person with almost *any handicap.*"

In short, a review of the list of companies represented at the conference confirms a conclusion that Affirmative Action establishes the preconditions for this "mainstreaming" of the disabled worker into the primary labor force, a process which, it was suggested earlier, had been frequently impossible before the new legislation.

Further, it is our contention that the number of jobs open to the disabled will increase, despite the present tremendous economic constraint. At the very least, companies will be more amenable to maintaining physically and emotionally disabled persons at work. But we believe there will be an absolute increase in hiring as recruitment plans develop. The follow-up survey confirmed that most companies are just beginning their efforts in this area. Less than 20 percent of the conferees came from firms with definitive plans in place. All others fall into a pool of great potential as can be seen in Table 1, below.

#### **What Are the Concerns of Corporate Managers?**

There can be little question but that the law is on the side of people with handicaps. Affirmative Action has placed their employment on the corporate agenda and raised the issue to prominence in management consciousness. No longer do these handicapped people have to wait for a tight labor market to gain access to a job. Given the potential, the concerns expressed and problems identified by business representatives could become barriers to fulfillment.

At both the Conference and in

**TABLE 1**

#### **Status of Company's Affirmative Action Plan At Time of Conference Attendance**

Already had an Affirmative Action Plan for Disabled People	18%
Already in the process of developing an Affirmative Action Plan for Disabled People	44%
Saw attendance at the Conference as a first step in developing an Affirmative Action Plan for Disabled People	20%
Did not fall into the category mandated by legislation to devise an Affirmative Action Plan for Disabled People	18%



the follow-up survey, respondents revealed uncertainty and seemingly insatiable desires for further information. One business representative noted, "There has been very little opportunity for education of the people who train and employ. We didn't know in which jobs to hire the handicapped; we need someone around not to give us a list but to help us think about restructuring. I was surprised to learn that there were blind typists; I couldn't understand how a blind typist would know when she was making a mistake. The explanation was that someone else has the job of proofing typed material. The job of typist wasn't restructured in my head to include this idea. I have to change my mentality."

The industrial representatives identified a score of issues on which they lack information. They were

1. The variety of disabling conditions and their impact
2. The rehabilitation process and the nature and use of assistive devices
3. The nature of architectural barriers and possible remedies
4. Job restructuring techniques and other methods of accommodation
5. Sources of assistance for a company.

There appeared to be equal consistency in the issues business representatives identify as requiring resolution if Affirmative Action for disabled people is to become a fact. Every workshop session spoke of *training* of supervisory staff and a variety of other personnel who need to be involved; of *insurance and benefit* issues; of concerns of *confidentiality* juxtaposed against the reality that the law's protection is only granted those who *identify themselves as handicapped*; of *pro-*

*cedures for monitoring* and changing policy; and of kinds of degrees of *accommodation*.

There is serious interest at the highest level of business. But ambiguities in the guidelines and government expectations are both frustrating and immobilizing. There remain gaps in information which warrant research attention, e.g. *actuarial costs* or *confidentiality* and hidden disability. The need for refined information is pervasive. All these realities suggest new roles for rehabilitation practitioners and their agencies if Affirmative Action is truly to take hold.

#### New Roles for the Field of Rehabilitation

Employers can be expected to look to the rehabilitation agent for

1. Information (on a host of issues outlined above)
2. Job candidates
3. Evaluation and suggested work activities for those with obvious disabilities
4. Help in retraining those who, because of illness are no longer able to cope with previous assignments
5. Funding of major expenses incurred in hiring a particular disabled individual (e.g. medical care, tools)
6. Training of corporate staff concerning behavior toward, and appropriate expectations of, a disabled employee.

All of this will bring the field of rehabilitation in much closer contact with the world of business than ever before.

With Affirmative Action under way, it is the business community, not the job applicant who comes in need to the rehabilitation agency.

How that need is responded to will be all important. During the conference planning stage, the Chamber consistently reminded us of businesses' antipathy to being "talked at" or "told how." Rehabilitation experts will have to abandon rhetoric and be ready to serve these new consumer clients.

The interaction between the human-oriented system of rehabilitation and the authority-oriented production system of American business is bound to cause some strains. The rehabilitation practitioner will have to *change his own knowledge base*, so that he is more expert on the nature of the business world, its organizations, structure, roles of different departments, and style of work. Perhaps most significant, improved understanding of the insurance and benefit issue will help overcome this favorite of all "cop-outs" in relation to hiring.<sup>4</sup>

Further, the rehabilitation agent must also *prepare his handicapped applicant differently*. First, the range of alternative employment possibilities may be viewed as expanded, necessitating, perhaps, new training choices. In addition, a job candidate should

1. Be informed of his rights under law
2. Be aware of the components in a job and able to suggest adaptations.

Affirmative Action establishes the conditions for linkage. The rehabilitation counselor and other practitioners will have to mobilize that potential and turn it into desirable and desired jobs. A real dialogue must be established in which each placement can be viewed as an opportunity to bring the parties together, working on new solutions to individual and generic problems.

(Continued on Page 42)





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### Affirmative Action

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#### Conclusion

It has been the contention throughout that the new equal rights legislation is a powerful tool offering unparalleled opportunity for change. Viewed most optimistically, Affirmative Action for the Disabled

1. Makes employment of the disabled a national priority
2. Protects those on-the-job who may become disabled
3. Increases the pool of new job openings and promotion opportunities
4. Plugs into an existing EEO system ready and willing to deal with the issues
5. Brings rehabilitation close to the work situation through mandated recruitment and promotion, both of which require its expertise
6. Creates a new political constituency interested in the disabled
7. Negates previous excuses by telling business "you have to" employ the disabled
8. Creates increased experience and information which will prove valuable
9. Conversely, offers new privacy to the disabled in that medical officers cannot reveal "hidden" disabled whom they discover
10. Encourages the creative involvement of disabled people as a "consultant" to his own employment situation, since the employer is mandated to "accommodate"
11. Opens the door to "future risk" applicants (those with deteriorating conditions) who can no longer be rejected out of hand.

As Eli Ginzberg, chairman of the National Commission for Manpower Policy has observed, "A rich society has an obligation to enable all who desire to work...to do so..." These laws are a mild requirement when posed against those in other countries. Beatrice Reubens notes, "Legal compulsion on private and public employers to provide jobs for the physically or mentally disabled exists in the large western European countries."

But minimal as the step may be, the potential is powerful. It remains for the rehabilitation community to move on the opportunity presented. As Albert Camus has said, "Without work, all life goes rotten." The law increases the chance for dis-

abled individuals to avoid a "rotten life."

#### Footnotes

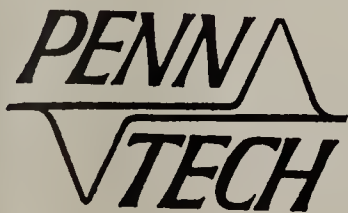
1. Grant # RSA-15-P-57807/2-02, U.S. Department of Health, Education, and Welfare, Rehabilitation Services Administration.
2. For example, upon completion of a survey of its membership, the Chamber established that there was considerable interest in child care issues, and a conference was co-sponsored with the Industrial Center in March 1974, with representatives from over 40 companies in attendance.
3. The latest regulations were issued August 29, 1975, and can be obtained by writing U.S. Department of Labor, Employment Standards Administration, Handicapped Worker Task Force, 3418 New Department of Labor Building, S.W., Constitution Avenue, Washington, D.C. 20210.
4. For example, New York State Division of Human Rights has interpreted the Flynn Act to "protect an individual with a disease involving future risk so long as the disease does not presently interfere with his ability to perform." Corporations have historically rejected future risk job applicants on the basis of potential insurance costs. See "Equal Rights for the Disabled in New York State," *Industrial Social Welfare Center Newsletter*, Columbia University School of Social Work, Volume II, No. 1, February 1975, p. 4.

#### Reference

1. Ginzberg, Eli, "Forward," in Reubens, Beatrice G., *The Hard to Employ: European Programs*. New York, Columbia University Press, 1970, p. XV.

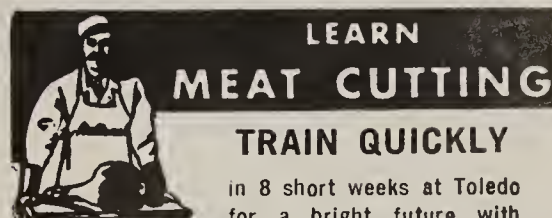
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